

REMARKS

This Amendment is being filed in response to the Office Action mailed September 27, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-5 and 7-9 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A'. Claims 1-5 and 7-9 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner indicated that claim 3 would be allowable if rewritten in independent form. Applicants gratefully acknowledge the indication that claim 3 contains patentable subject matter. By means of the present amendment,

claim 3 has been rewritten in independent form. In addition, new claim 14 has been added that includes features similar to the allowable claim 3. Accordingly, it is respectfully submitted that independent claims 3 and 14 are allowable, and allowance thereof is respectfully requested.

In the Office Action, claims 1-2 and 4-9 are rejected under 35 U.S.C. §102(b) as being anticipated by EP 0680213 (Menand). It is respectfully submitted that claims 1-2 and 4-13 are patentable over Menand for at least the following reasons.

Menand is directed to a method for controlling execution of interactive programs. As recited on column 3, lines 11-15, it "is necessary to maintain proper synchronization between the AVI executable code, and the sound and graphics being generated by that code, and the audio and video components being received."

(Emphasis added)

It is respectfully submitted that Menand merely discloses synchronization and is completely silent and does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 6 which, amongst other patentable elements, recites (illustrative emphasis provided):

commencing linear real-time playback of said data stream and commencing running of said linear application from a start point thereof;

on entering a non-linear playback phase,  
stopping running of said application; and

on recommencing of linear real-time playback  
of said data stream, recommencing running of said linear application from said start point.

Recommencing running the linear application from the very same start point that was used to commence running this linear application is nowhere taught or suggested in Menand. Presumably, in Menand, synchronization means recommencing an application from a point associated with the current location of the audio/video program, and not from the very same starting point of the application used previously, as recited in independent claims 1 and 6.

Accordingly, it is respectfully submitted that independent claims 1 and 6 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2, 4-5, and 7-13 should also be allowed at least based on their dependence from independent claims 1 and 6.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: New Abstract

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